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REMARKS

Claims 1-12 stand pending and claims 1-12 were rejected in the non-final Office Action. Claims 1-12 are amended herein and Applicants respectfully request entry and favorable consideration of the amendments and remarks presented herewith.

Claim Rejections Under 35 U.S.C. §112

Claim 12 stands rejected for lack of antecedent basis. Applicants herewith amend claim 12 to resolve said lack of antecedent basis and requests the Examiner to withdraw said ground of rejection.

Claim Rejections Under 35 U.S.C. §102

Claims 4 and 7 stand rejected as anticipated by Olson et al. (Olson). Applicants herewith amend claims 4 and 7 to distinguish them from Olson and the claims now include at least one limitation not found in Olson so the ground of rejection can be properly withdrawn.

Claim Rejections Under 35 U.S.C. §103

Claims 1-3, 5, 6, 8-12 stand rejected under various combination of art including Olson, Anderson, Kaib and Rockwell.

Applicants note that neither Olson, Anderson, Kaib or Rockwell even mention the terms (or notions regarding) "implant" or "implantable" -- which limitation is now included in all the independent claims herein. Applicants respectfully assert that absent *some* teaching or suggestion, which might motivate one of skill in the art to combine one or all of the references, the Examiner has failed to lodge a *prima facie* obviousness rejection. Applicants respectfully suggest that the rejections of claims 1-3, 5, 6, and 8-12 have been successfully overcome and the grounds of rejection withdrawn.

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In the instant application, claims 4 and 7 have not been rejected except under 35 U.S.C. §112 (which rejection is fully addressed herein) and therefore claims 4 and 7 inherently define allowable subject matter.

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CONCLUSION

Applicants respectfully assert that the presently pending claims 1-12 are now in condition for allowance and solicit the Examiner to issue a Notice of Allowance in due course so that the claimed invention may timely pass to issuance as U.S. Letters Patent.

The Examiner is invited to contact the undersigned with any questions regarding the foregoing Amendment and the instant application.

Respectfully submitted,

For Y. Chen et al.

Date

18 Feb. 05

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